

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #6	CCRB Case #: 201904950	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/23/2019 4:30 PM	Location of Incident: Traffic Violations Bureau Bronx	Precinct: 48	18 Mo. SOL 11/23/2020	EO SOL 7/10/2021	
Date/Time CV Reported Fri, 06/07/2019 4:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/07/2019 4:57 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM David Ramirez	25053	962711	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jordan Moses	24160	963174	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM David Ramirez	Abuse: Police Officer David Ramirez made a sexually suggestive gesture towards § 87(2)(b)	

## Case Summary

On June 7, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On May 23, 2019, at approximately 4:30 p.m., § 87(2)(b) went to traffic court at the Bronx Traffic Violations Bureau, located at 696 East Fordham Road, in the Bronx, regarding summonses he had received from PO David Ramirez, of the 48<sup>th</sup> Precinct. When PO Ramirez entered the court room with PO Jordan Moses, PO Ramirez blew a kiss at § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) alleged that all the summonses were illegitimately issued by PO Ramirez. All the summonses were dismissed by the judge.

There was no video footage of this incident.

§ 87(2)(b)

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## Findings and Recommendations

### Allegation (A) Abuse of Authority: Police Officer David Ramirez made a sexually suggestive gesture towards § 87(2)(b)

§ 87(2)(b) (Board Review 02) testified that he arrived in the traffic court room before PO Ramirez. § 87(2)(b) sat in the civilian section of the traffic court room waiting to be called by the judge. As PO Ramirez walked into the court room, he and § 87(2)(b) made eye contact. PO Ramirez smiled at § 87(2)(b) and blew him a kiss by pursing his lips and making a kissing motion in § 87(2)(b)'s direction. § 87(2)(b) did not know if anyone in the court room, including PO Moses observed PO Ramirez blow the kiss.

PO Ramirez (Board Review 03) confirmed that § 87(2)(b) was already in the court room when he arrived with PO Moses. PO Ramirez denied that he had any interaction with § 87(2)(b) before his case was up in front of the judge. PO Ramirez denied that he made eye contact with § 87(2)(b). PO Ramirez denied that he made any gestures towards § 87(2)(b). PO Ramirez denied that he blew a kiss or made any sexually suggestive gestures towards § 87(2)(b) in the traffic court room.

PO Moses' testimony (Board Review 04) was consistent with PO Ramirez's testimony. PO Moses did not see PO Ramirez blow a kiss towards § 87(2)(b). PO Moses did not see PO Ramirez make any sexually suggestive gesture towards § 87(2)(b).

There were no video cameras inside the court room and the officers were not required to turn on their body worn cameras. Therefore, no video footage existed of this incident.

PO Ramirez has several complaints of unprofessional and inappropriate behavior (Board Review 01). § 87(2)(b)

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In CCRB case 201902570, an independent complaint filed by § 87(2)(b) it was alleged that during a car stop, PO Ramirez used physical force against an individual and stated, “I do this to niggers like you every day,” and that the individual’s mother, “sucks [his] nut.” It was further alleged that PO Ramirez dumped the individual’s marijuana on the floor and took \$200 from him, which was referred to IAB under CCRB case § 87(2)(b). In CCRB case 201906210, an independent complaint filed by § 87(2)(b) PO Ramirez responded to a 911 call and allegedly threatened to remove the caller to the hospital and call ACS. When leaving, PO Ramirez allegedly made a heart shape with his hands to the caller in a mocking gesture.

PO Ramirez has been the subject of several complaints by § 87(2)(b) in two of which there is video evidence of PO Ramirez telling him things such as “I love you” and that he has “a hug, a heart, and a kiss” for § 87(2)(b). While PO Ramirez denied blowing a kiss at § 87(2)(b) in this incident, given the video evidence of similar allegations it is more likely than not that PO Ramirez did in fact do so.

Officers are to interact with member of the public in a professional manner, Patrol Guide Procedure 203-09, “Public Contact – General” (Board Review 07). Sexual harassment includes, but is not limited to, sexually suggestive gestures, Patrol Guide Procedure 205-36, “Employment Discrimination” (Board Review 08). Officers are to “maintain a higher standard of integrity than is generally expected of others because so much is expected of” them, and to “value human life, respect the dignity of each individual and render [their] services with courtesy and civility.” Patrol Guide Procedure 200-02, “Mission and Values of the New York City Police Department” (Board Review 13).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
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- PO Ramirez has been a member of service for two years and has been a subject in 9 cases and 30 allegations (Board Review 10).
  - CCRB case number 201801146 involved a force allegation and was closed pending litigation.

- § 87(2)(b) [REDACTED]
- CCRB case number 201900416 involved a vehicle search allegation, discourtesy allegation, offensive language allegation, a search of recording device allegation, and a photography allegation.
- § 87(2)(b) [REDACTED]
- CCRB case number 201901103 involved allegations of threat of force, discourtesy, refusal to provide name, and refusal to provide shield number, all of which were unsubstantiated. § 87(2)(g), § 87(4-b) [REDACTED]
- § 87(2)(b) [REDACTED]
- CCRB case number 201902570 involved a vehicle stop allegation.
- CCRB case number 201906210 involved two threat of arrest allegations, a threat to notify ACS allegation, two discourtesy allegations, and one threat to remove to hospital allegation.

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of March 29, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding his prior interactions with PO Ramirez (Board Review 11). A FOIL request was submitted to the NYC Comptroller on September 26, 2019, inquiring if a notice of claim was filed since then. Any response will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date